IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

OP.No. 32869 of 1999(K)

PETITIONERS:
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1. SRI.DEVASSY,S/O. VAREED,
VELAKKODE, KAIPARAMBA PANCHAYAT,
P.O.MUNDUR, TRISSUR DISTRICT.

2. ANSON, S/O. DEVASSY,
VELAKKODE, KAIPARAMBA PANCHAYAT,
P.O.MUNDUR, TRISSUR DISTRICT.

BY ADV. SRI.A.MOHAMED MUSTAQUE

RESPONDENTS:
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1. THE SECRETARY, KAIPARAMBA GRAMA PANCHAYAT.

2. THE KAIPARAMBA GRAMA PANCHAYAT BOARD,
BY ITS PRESIDENT, KAIPARAMBA,
P.O.MUNDUR, TRISSUR DISTRICT.

BY ADV. SRI.K.MOHANA KANNAN
SRI.P.K.VIJAYAMOHANAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 12/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.No. 32869/1999

ORDER ON CMP 34598/2000 IN CMP NO. 55543/1999 IN O.P.No. 32869/1999

DISMISSED.

12/03/2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE)

ORDER ON CMP NO. 55543/99 IN O.P.No. 32869/1999

DISMISSED.

12/03/2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 COPY OF THE NOTICE DATED 27/12/99 ISSUED BY 1ST RESPONDENT.

EXT.P2 COPY OF THE COMPLAINT UNDER O.S. 535/97 PENDING BEFORE THE MUNSIFF COURT, TRISSUR.

EXT.P3 COPY OF THE APPEAL FILED BEFORE THE 2ND RESPONDENT.

EXT.P4 COPY OF the ORDER OF CRL.MC NO. 1653/99 BEFORE THE SESSION JUDGE, TRISSUR.

EXT.P5 COPY OF THE REPLY TO THE PETITIONERS TO THE 1ST RESPONDENT.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 32869 of 1999 K

Dated, this the 12th day of March, 2007

J U D G M E N T

This original petition is filed challenging Ext.P1 order issued by the 1st respondent Panchayat directing the petitioners to stop the piggery conducted by them, which caused a lot of nuisance to neighbours. It is seen from Ext.P1 that pig shed of the petitioners' was inspected by the Panchayat and on inspection they noticed that the pig shed is causing lot of nuisance to neighbouring people, who are members of scheduled caste, and even drinking water is polluted on account of the same. Petitioners, vide Ext.P5, requested the Panchayat to grant time to carry out construction and to modernize the pig farm to prevent all kind of nuisance. This original petition is filed several years back and if piggery is continuing, then it is for the 1st respondent to verify whether it is carried on causing nuisance to neighbours. Since the subsequent developments are not available and there is no appearance on behalf of the Panchayat, I direct the 1st respondent to conduct inspection at the piggery conducted by the petitioners and if it is presently causing any nuisance, 1st

respondent will forward inspection report to the RDO, who is directed to prevent it by issuing effective orders under Sec. 133 of the Cr.P.C. It is up to the Panchayat also to take effective steps to prevent nuisance, if any made by the petitioners' piggery farm.

This original petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg